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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,970	11/13/2006	Kazumasa Ito	285074US3PCT	9464
22850 7590 07/26/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER PICO, ERIC E	
			ART UNIT 3654	PAPER NUMBER
			NOTIFICATION DATE 07/26/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/565,970

Applicant(s)

ITO, KAZUMASA

Examiner

Eric Pico

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/26/06 7/21/07
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 04/12/2006
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim(s) 7 is/are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. **Regarding claim 7**, it is unclear and indefinite whether the break shoe portion, the spring portion, the brake shoe, or the king pin is offset in a rotation direction of one of the sheave and the deflector sheave with respect to a centerline passing through a rotation shaft of one of the sheave and the deflector sheave and is fixed on a bearing side of the rotation shaft.

4. **Regarding claim 7**, it is unclear and indefinite what is intended by the phrase "offset in a rotation direction". The office will interpret the phrase "offset in a rotation direction" to encompass anything that is offset centerline passing through the rotation shaft of one of the sheave and the deflector sheave.

5. Claim 9 recites the limitation "king pin side of each of the spring mechanisms" in Claim 9, Line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim(s) 7-12 is/are rejected under 35 U.S.C. 102(b) as being anticipated by Eiji JP Publication No. 10-203761.

8. **Regarding claim 7**, Eiji discloses an emergency brake device for an elevator comprising: a brake shoe portion provided inside a sheave 4 of an elevator and having a brake shoe 25, 26 at a lower end of the brake shoe portion, the brake shoe 25, 26 generating a braking force due to friction upon abutting an inner wall 4a of an outer peripheral frame of one the sheave 4 at a time of braking, the brake shoe portion having built therein a spring mechanism 31-34 provided between the brake shoe 25, 26 and a king pin 21-24, which is offset in a rotation direction of the sheave 4 with respect to a centerline passing through a rotation shaft 3 of the sheave 4 and is fixed on a bearing side 5 of the rotation shaft 3, the spring mechanism 31-34 absorbing a force generated between the brake shoe 25, 26 and the king pin 21-24 due to the braking force and being connected to the king pin 21-24 at one end via 5, 29, 30.

9. **Regarding claim 8**, Eiji discloses a pair of the spring mechanisms 31-34 are each provided between the brake shoe 25, 26 and each of a pair of the king pins 21-24 that are offset to be bilaterally symmetrical with respect to the centerline, for braking rotation of the sheave 4 in both directions.

Art Unit: 3654

10. **Regarding claim 9**, Eiji discloses the king pin 21-24 side of each of the spring mechanisms 31-34 is connected to a movable support hole 25a, 25b, 26a, 26b that engages with each of the king pins 21-24, the movable support hole 25a, 25b, 26a, 26b being formed as an elongated circular hole to allow the brake shoe portion 25, 26 to tilt by a predetermined angle to both sides with respect to the centerline.

11. **Regarding claim 10-12**, Eiji discloses a drive portion 39 fixed on the bearing side 5 of the rotation shaft 3, for raising and lowering the brake shoe portion between a position where the brake shoe 25, 26 at the lower end of the brake shoe portion abuts the inner wall 4a of the outer peripheral frame of one of the sheave 4 and a position where the brake shoe is spaced from the inner wall 4a.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim(s) 13-18 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Eiji JP Publication No. 10-203761 in view of Ito U.S. Publication No. 2004/0262091.

14. **Regarding claim 13-15**, Eiji discloses the drive portion 39 is an electric drive portion; and the emergency brake device for an elevator further comprises: an emergency brake driving section for imparting a signal to the drive portion 39 to cause

the brake shoe portion 25, 26 to abut the inner wall 4a of the outer peripheral frame of the sheave 4.

15. Eiji is silent concerning the emergency brake device for an elevator further comprises: a speed abnormality detecting section for detecting an abnormality based on a status of a control command to the car from an elevator control device and on actual movement of the car; and an emergency brake driving section for imparting a signal to the drive portion to cause the brake shoe portion to abut the inner wall of the outer peripheral frame of one of the sheave and the deflector sheave upon detecting an abnormality.

16. Ito teaches a drive portion is an electric drive portion 11; and an emergency brake device for an elevator comprises: a speed abnormality detecting section for detecting an abnormality based on a status of a control command to a car 3 from an elevator control device and on actual movement of the car 3, [0032]; and an emergency brake driving section for imparting a signal to the drive portion to cause a brake shoe portion 16 to abut a guide rail 6 upon detecting an abnormality, [0037].

17. It would have been obvious to one of ordinary skill in the art at the time of the invention to further comprise the emergency brake device disclosed by Eiji with a speed abnormality detecting section for detecting an abnormality based on a status of a control command to the car from an elevator control device and on actual movement of the car as taught by Ito to facilitate the actuation of the drive portion during abnormal movement of the car.

Art Unit: 3654

18. **Regarding claim 16-18**, Eiji is silent concerning a speed abnormality detecting section determines that an abnormality has occurred upon detecting at least one of the following conditions: (1) the car is moving upwards at a speed higher than a rated speed; (2) the car has moved upwards or downwards even though a status of a control command to the car indicates stoppage.

19. Ito teaches the speed abnormality detecting section determines that an abnormality has occurred upon detecting at least one of the following conditions: (1) the car is moving upwards at a speed higher than a rated speed; (2) the car has moved upwards or downwards even though a status of a control command to the car indicates stoppage, [0032].

20. It would have been obvious to one of ordinary skill in the art at the time of the invention to further comprise the emergency brake device disclosed by Eiji with a speed abnormality detecting section for detecting an abnormality based on a status of a control command to the car from an elevator control device and on actual movement of the car as taught by Ito to facilitate the actuation of the drive portion during abnormal movement of the car.

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wantanabe U.S. Patent No. 4287551, Eckersley et al. U.S. Patent No. 4739969, Ito U.S. Patent No. 7080717, Ito WO Publication No. 03/008317.

Art Unit: 3654


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Pico whose telephone number is 571-272-5589.

The examiner can normally be reached on 6:30AM - 3:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EEP


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